



## IN THE 22ND JUDICIAL CIRCUIT, CITY OF ST LOUIS, MISSOURI

Judge or Division: MICHAEL FRANCIS STELZER	Case Number: 2222-CC09093
Plaintiff/Petitioner: SHAVETTE BLACKMON	Plaintiff's/Petitioner's Attorney/Address BRET CHARLES KLEEFUSS 1708 OLIVE STREET ST LOUIS, MO 63103
Defendant/Respondent: MISSOURI VETERANS COMMISSION	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101
Nature of Suit: CC Employment Discrimination 213.111	Please see the attached information for appearing via WebEx. WebEx connection information may also be found at <a href="http://www.stlcircuitcourt.com/">http://www.stlcircuitcourt.com/</a>

(Date File Stamp)

## Summons in Civil Case

The State of Missouri to: MISSOURI VETERANS COMMISSION

Alias:

PERSON IN CHARGE  
10600 LEWIS AND CLARK BLVD  
ST LOUIS, MO 63136

ST LOUIS COUNTY SHERIFF

COURT SEAL OF



CITY OF ST LOUIS

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

\*\*\*Due to COVID19 challenges, virtual appearances by Webex.com are also required until further order of this Court. \*\*\*

If you have a disability requiring special assistance for your court appearance, please contact the court at least 48 hours in advance of scheduled hearing.

July 22, 2022

Date

Clerk

Further Information:

## Sheriff's or Server's Return

**Note to serving officer:** Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above Summons by: (check one)

- ☐ delivering a copy of the summons and petition to the defendant/respondent.
- ☐ leaving a copy of the summons and petition at the dwelling house or usual place of abode of the defendant/respondent with \_\_\_\_\_, a person at least 18 years of age residing therein.
- ☐ (for service on a corporation) delivering a copy of the summons and petition to: \_\_\_\_\_ (name) \_\_\_\_\_ (title).
- ☐ other: \_\_\_\_\_

Served at \_\_\_\_\_ (address)

in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer:**

Subscribed and sworn to before me on \_\_\_\_\_ (date)

(Seal)

My commission expires: \_\_\_\_\_

Date

Notary Public



**Sheriff's Fees, if applicable**

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Mileage \$ \_\_\_\_\_ ( \_\_\_\_\_ miles @ \$. \_\_\_\_\_ per mile)

**Total** \$ \_\_\_\_\_

A copy of the summons and petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.





IN THE 22ND JUDICIAL CIRCUIT, CITY OF ST LOUIS, MISSOURI

SB  
8-21

Judge or Division: MICHAEL FRANCIS STELZER	Case Number: 2222-CC09093
Plaintiff/Petitioner: SHAVETTE BLACKMON	Plaintiff's/Petitioner's Attorney/Address BRET CHARLES KLEEFUSS 1708 OLIVE STREET ST LOUIS, MO 63103
Defendant/Respondent: MISSOURI VETERANS COMMISSION	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101
Nature of Suit: CC Employmnt Discrmntn 213.111	Please see the attached information for appearing via WebEx. WebEx connection information may also be found at <a href="http://www.stlcircuitcourt.com/">http://www.stlcircuitcourt.com/</a>

(Date File Stamp)

Summons in Civil Case

The State of Missouri to: MISSOURI VETERANS COMMISSION

Alias: (9) WEISER

PERSON IN CHARGE  
10600 LEWIS AND CLARK BLVD  
ST LOUIS, MO 63136

ST LOUIS COUNTY SHERIFF

COURT SEAL OF  
  
CITY OF ST LOUIS

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

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July 22, 2022

Date

Further Information:

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I certify that I have served the above Summons by: (check one)

☐ delivering a copy of the summons and petition to the defendant/respondent.

☐ leaving a copy of the summons and petition at the dwelling house or usual place of abode of the defendant/respondent, a person at least 18 years of age residing therein.

☒ (for service on a corporation) delivering a copy of the summons and petition to: Ass. Charles Nurse (name) Ass. Charles Nurse (title).

☐ other: \_\_\_\_\_

Served at 10600 Lewis & Clark Blvd. 63136 (address)

in STL (County/City of St. Louis), MO, on 8/5/22 (date) at 08:34 (time).

R.C. Weiser Printed Name of Sheriff or Server

[Signature] Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_ Date \_\_\_\_\_ Notary Public [Signature]

IN THE CIRCUIT COURT OF ST. LOUIS CITY  
TWENTY-SECOND JUDICIAL DISTRICT, STATE OF MISSOURI

SHAVETTE BLACKMON,	)	
Plaintiff,	)	
	)	Cause No.
vs.	)	
	)	Division No.
MISSOURI VETERAN'S COMMISSION,	)	
a domestic corporation,	)	<b><u>JURY TRIAL DEMANDED</u></b>
	)	
<b>SERVE AT:</b>	)	
<b>Person In Charge</b>	)	
<b>Missouri Veteran's Commission</b>	)	
<b>10600 Lewis and Clark Blvd.</b>	)	
<b>St. Louis, Mo 63136</b>	)	
	)	
	)	
Defendants.	)	

**PETITION FOR DAMAGES**

COMES NOW Plaintiff, by and through undersigned counsel, and in support of her Petition states:

**FACTS APPLICABLE TO ALL COUNTS**

1. Plaintiff is a female who suffers from depression, which is a disability as that term is defined under the Americans with Disabilities Act (ADA) and which substantially impacts one or more of Plaintiff's daily life activities.

2. Plaintiff's son suffers from asthma, which is also a disability under the ADA and which substantially impacts one or more of Plaintiff's son's daily life activities, and of which Defendant was aware.

3. Defendant The Missouri Veteran's Commission ("Defendant"), is a domestic corporation, registered in Missouri and doing business in Missouri and in St. Louis County.

4. Plaintiff worked for Defendant for multiple years, until her termination on or



27. Defendant intentionally retaliated against Plaintiff for using FMLA leave by terminating her employment.

28. Defendant's behavior described herein was at all times taken not in good faith, and so Plaintiff is entitled to liquidated damages.

29. Defendant's behavior described herein is outrageous and extreme, and was taken with intentional or reckless disregard for Plaintiff's rights.

30. As a direct and proximate result of being discharged in violation of the Family Medical Leave Act, Plaintiff has been damaged in the following ways:

(a) she has lost and will lose wages, salary, and employment benefits, from January 28, 2020, potentially up to the date of trial;

(b) interest on the amount in subparagraph (a) above at the statutory rate;

(c) an additional amount as liquidated damages equal to the sum of the amounts in (a) and (b) above; and

(d) attorney's fees, expert fees and costs.

WHEREFORE Shavette Blackmon respectfully requests that this Court enter judgment in her favor and find that Missouri Veteran's Commission unlawfully terminated her in violation of the Family Medical Leave Act and interfered with her FMLA leave, and award to her compensatory damages, together with interest thereon, liquidated damages, front pay, attorney's fees, expert fees and costs, and any and all further relief as to this Court deems just and proper under the circumstances.

**COUNT II: RETALIATION IN VIOLATION OF TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, AS AMENDED BY THE CIVIL RIGHTS ACT OF 1991, 42 U.S.C. SECTION 2000e-5, ET SEQ BY MISSOURI VETERANS COMMISSION**

31. Plaintiff restates and re-alleges each and every paragraph above and incorporates

them into Count II as set forth fully herein.

32. Defendant terminated Plaintiff because she reported sexual harassment.

33. Defendant knew or should have known of the illegal consideration of Plaintiff's engagement in protected activity when Plaintiff was terminated but failed to prevent the retaliation and in fact ratified the decision.

34. Defendant's behavior described herein was outrageous and extreme and taken with reckless disregard of Plaintiff's rights under Title VII.

35. Plaintiff has suffered damages, including but not limited to emotional distress, lost wages and benefits, as a result of Defendant's illegal behavior described herein.

WHEREFORE, Plaintiff Shavette Blackmon prays for a trial by jury and for judgment against Defendant Missouri Veterans Commission, for actual damages in a fair and reasonable sum over \$25,000, and punitive damages, together with the maximum rate of interest allowed by law, cost of suit, attorneys' fees, and for all other relief as the Court deems appropriate.

**COUNT III: HOSTILE WORK ENVIRONMENT BASED ON SEXUAL HARASSMENT IN VIOLATION OF TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, AS AMENDED BY THE CIVIL RIGHTS ACT OF 1991, 42 U.S.C. SECTION 2000e-5, *ET SEQ* BY MISSOURI VETERANS COMMISSION**

36. Plaintiff restates and re-alleges each and every paragraph above and incorporates them into Count III as set forth fully herein.

37. Plaintiff experienced severe and pervasive sexual harassment during her employment.

38. Plaintiff reported the harassment, but despite her report, the sexual harassment continued.

39. Defendant therefore failed to prevent the sexual harassment that it knew was being committed against Plaintiff.

40. Defendant's behavior described herein was outrageous and extreme and taken with reckless disregard of Plaintiff's rights under Title VII.

41. Plaintiff has suffered damages, including but not limited to emotional distress, lost wages and benefits, as a result of Defendant's illegal behavior described herein.

WHEREFORE, Plaintiff Shavette Blackmon prays for a trial by jury and for judgment against Defendant Missouri Veterans Commission, for actual damages in a fair and reasonable sum over \$25,000, and punitive damages, together with the maximum rate of interest allowed by law, cost of suit, attorneys' fees, and for all other relief as the Court deems appropriate.

**COUNT IV: DISABILITY DISCRIMINATION IN VIOLATION OF THE  
AMERICANS WITH DISABILITIES ACT, 42 U.S.C. SECTION 2000e-5, ET SEQ  
BY MISSOURI VETERANS COMMISSION**

42. Plaintiff restates and re-alleges each and every paragraph above and incorporates them into Count IV as set forth fully herein.

43. Plaintiff and her children each suffer from disabilities.

44. Defendant knew of the disabilities.

45. Defendant terminated Plaintiff because of her disabilities and/or because of her association with her children who are disabled.

46. Defendant's behavior described herein was outrageous and extreme and taken with reckless disregard of Plaintiff's rights under the ADA.

47. Plaintiff has suffered damages, including but not limited to emotional distress, lost wages and benefits, as a result of Defendant's illegal behavior described herein.

WHEREFORE, Plaintiff Shavette Blackmon prays for a trial by jury and for judgment against Defendant Missouri Veterans Commission, for actual damages in a fair and reasonable sum over \$25,000, and punitive damages, together with the maximum rate of interest allowed by law,

cost of suit, attorneys' fees, and for all other relief as the Court deems appropriate.

Respectfully submitted,

LAW OFFICES OF DERALD L.  
GAB, P.C.

/s/Bret Kleefuss  
Bret Kleefuss, #59175  
bretcharles@yahoo.com  
Attorney for Plaintiff  
1708 Olive  
St. Louis, Missouri 63103  
Phone: (314) 367-4878  
Fax: (314) 678-3998

**Certificate of Service**

The undersigned certifies that this Petition was filed on July 22, 2022, and will be served on Defendants according to Missouri law.

/s/Bret Kleefuss  
Bret Kleefuss



around January 28, 2020.

5. During Plaintiff's employment, she utilized leave under the Family and Medical Leave Act (FMLA).

6. Plaintiff also informed Defendant of her disabilities.

7. Plaintiff's children also suffer from certain disabilities of which Defendant is aware and has utilized FMLA leave for their care as well.

8. Around 2014, Defendant terminated Plaintiff because of her disabilities and FMLA leave.

9. Plaintiff appealed the decision and was reinstated.

10. During Plaintiff's employment, her supervisor Taye routinely harassed Plaintiff in a sexual manner.

11. Specifically, he would touch Plaintiff without her authorization in a sexual manner.

12. He would make jokes of a sexual nature that Plaintiff found uncomfortable.

13. Those instances were severe and pervasive, occurring mostly during November 2019.

14. Plaintiff reported the behavior to Defendant.

15. During December 2019 and January 2020, Defendant intentionally interfered with Plaintiff's FMLA leave.

16. On January 28, 2020, Defendant terminated Plaintiff while she was out on medical leave.

17. Venue is appropriate because the events described in this Petition occurred in St. Louis County.

18. Plaintiff has filed a Charge of Discrimination, which is attached and incorporated

into this Petition as if fully set forth herein, and marked as Exhibit “A.”

19. Plaintiff received her Right to Sue Letter from the EEOC, which is attached and incorporated into this Petition as if fully set forth herein, and is marked as Exhibit “B.”

**COUNT I:  
WRONGFUL TERMINATION AND INTERFERENCE IN VIOLATION OF THE  
FAMILY AND MEDICAL LEAVE ACT, 29 U.S.C. §§ 2611 *et seq.***

20. Plaintiff incorporates each and every preceding paragraph into this Count IV as if fully set forth herein.

21. Plaintiff seeks to recover damages under an Act of Congress which provides for the protection of persons who take family or medical leave, namely the Family Medical Leave Act.

22. Defendant is located in St. Louis County and does transact business in St. Louis County as Washington University in St. Louis. The claims set forth in this count arose in St. Louis County.

23. Plaintiff is an “eligible employee” within the definition of the Family Medical Leave Act. At the time of the conduct giving rise to her causes of action herein, Plaintiff had been employed: 1) for at least 12 months by Defendant, and 2) for at least 1,250 hours of service with Defendant during the previous 12-month period.

24. At the time of the conduct giving rise to the causes of action herein, Defendant qualified as an “employer” within the definition of the Family Medical Leave Act (“FMLA”) because it was engaged in an industry or activity affecting commerce and employed fifty (50) or more employees within a 75-mile radius.

25. Plaintiff applied for FMLA leave pursuant to Defendant’s policies and received intermittent FMLA leave.

26. Defendant intentionally interfered with Plaintiff’s use of her FMLA leave.

STATE OF MISSOURI                     )  
  )ss  
CITY OF ST. LOUIS                     )

**I, THOMAS KLOEPPINGER, Clerk of the Circuit Court within  
and for the City of St. Louis, State of Missouri, do hereby certify that  
the foregoing are true copies of original documents on files and  
recorded in my office for the following case  
PETITION FOR DAMAGES**

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**St. Louis City case number :2222-CC09093**

**WITNESS my hand and SEAL of said Court this 17th day of  
August, 2022.**

*COURT SEAL OF*



*Thomas Kloeppinger*

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**Thomas Kloeppinger  
Circuit Clerk**

By: *John Fuhs*

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**Deputy Clerk**